

1 United States Army Corps of Engineers (Corps or USACE), submit this Report on the status of
2 the Corps' preparation of an Environmental Impact Statement (EIS) for the Sunridge Properties
3 Project (Sunridge EIS) under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C.
4 4321 *et seq*;

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6 1. This action has been stayed since December 2, 2008 pending the Corps' completion of the
7 Sunridge EIS, with the Corps reporting its progress to the Court at six-month intervals. Order dated
8 Dec. 2, 2008.

9 2. The stay ends on November 17, 2010, and the parties are scheduled to attend a status
10 conference with the Court on November 18, 2010 at 2:30 p.m. PST.

11 3. The Corps has completed the Sunridge EIS on schedule. On October, 15, 2010, the Corps
12 issued the Final Sunridge EIS for a thirty day public review and comment period that ends on
13 November 15, 2010.

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15 4. As previously reported (*See* Dkt. #251), the Sunridge EIS analyzes programmatically the
16 potential environmental effects of implementing alternatives for six residential development projects
17 collectively referred to as the "Sunridge Properties" which are located in Rancho Cordova,
18 Sacramento County, California. The EIS was prepared as part of this ongoing litigation concerning
19 Department of the Army permits issued by the USACE between 2005 and 2007 for five of the
20 projects and a pending permit decision for the sixth. The permitted projects are: Anatolia IV (Permit
21 No. 199400210), Sunridge Village J (Permit No. 200100230), Grantline 208 (Permit No.
22 199400365), Douglas Road 98 (Permit No. 200200568), and Douglas Road 103 (Permit No.
23 199700006). The Corps has not yet issued a permit decision for the sixth project, Arista del Sol
24 (Permit No. 200400458).
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1 Sunridge Park, Anatolia IV, Sunridge Village J, and Grantline 208 projects is hereby enjoined
2 pending resolution of the merits of this case.” *Id.* at 35:22-26.

3 11. Following the July 10, 2007 Order, the Court issued an Order dated August 2, 2007 (Dkt.
4 #140) adopting the parties’ proposed stipulation with regard to the Corps’ permitting activities for
5 the Douglas Road 103 and Arista del Sol projects and issued an Order dated August 24, 2007 (Dkt. #
6 147) amending the July 10, 2007 Order to exclude the Montelena, North Douglas, and Sunridge Park
7 projects from the preliminary injunction.
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9 WHEREFORE, Federal Defendants respectfully request that the Court consider extending the
10 stay of this litigation until January 17, 2011 pending the Corps’ issuance of the Record of Decision
11 based on the Sunridge Properties EIS. The November 18, 2010 Status Conference is VACATED.
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13 Dated: November 15, 2010

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15 11/17/10



14 Respectfully submitted,

15 IGNACIA S. MORENO
16 Assistant Attorney General
17 United States Department of Justice

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CERTIFICATE OF SERVICE

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I hereby certify that on November 15, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to the counsel of record.

/s/ Carol L. Draper
CAROL L. DRAPER